

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK MAJOR and MICHAEL MAJOR,

Plaintiffs,

v.

MARK D. HODGSON, MAXEY LAW
OFFICE, ANDREW C. BOHRNSEN,
STOCKER SMITH LUCIANI & STAUB
PLLC,

Defendants.

NO. CV-09-242-EFS

**ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION**

On October 28, 2009, the Court issued a Second Amended Order in which it granted Defendants' Motion to Dismiss Plaintiff's Complaint. (Ct. Rec. [37](#).) Plaintiffs filed a Motion to Reconsider (Ct Rec. [34](#)), which the Court denied. (Ct. Rec. [42](#).) Plaintiffs now renew their request for the Court to reconsider its Order granting Defendants' Motion to Dismiss. (Ct. Rec. [43](#).)

The "law of the case" doctrine generally prevents a court from reconsidering an issue it has already decided in the same case. See *United States v. Alexander*, 106 F.3d 874, 876 (9th Cir. 1997). Nonetheless, the doctrine is a guide to the Court's discretion rather than a limitation of the Court's jurisdiction. See *id.* (citing *Arizona v. California*, 460 U.S. 605, 618 (1983)). A court "may have discretion

1 to depart from the law of the case where: 1) the first decision was
2 clearly erroneous; 2) an intervening change in the law has occurred; 3)
3 the evidence on remand is substantially different; 4) other changed
4 circumstances exist; or 5) a manifest injustice would otherwise result.”
5 *Alexander*, 106 F.3d at 876. “Failure to apply the doctrine of the law
6 of the case absent one of the requisite conditions constitutes an abuse
7 of discretion.” *Id.*

8 In support of their Amended Motion for Reconsideration, Plaintiffs
9 reiterate the conclusory, unfounded, and untrue allegations that this
10 Court joined the conspiracy to deprive them of their rights. As the
11 Court already noted, these are insufficient grounds to meet the stringent
12 standard for a court to reconsider a prior order.

13 For the reasons given above, **IT IS HEREBY ORDERED:** Plaintiffs’
14 Motion for Reconsideration (**Ct. Rec. 43**) is **DENIED**.

15 **DATED** this 25th day of November 2009.

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17 S/ Edward F. Shea
18 EDWARD F. SHEA
19 United States District Judge

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